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**Missouri Public  
Service Commission**

# **Cold Weather Rule Information Guide**

October 2004



The Missouri Public Service Commission, also known as the PSC, is a state government agency located in Jefferson City. The PSC regulates investor-owned utilities in Missouri. The Commission regulates utility rates and ensures service given by those utilities is safe and adequate.

The Cold Weather Rule relates to any residential gas or electric service that is necessary to the proper function and operation of heating equipment. Electric or gas service provided by municipalities, electric cooperatives, and propane delivered by truck are not covered by this regulation.

This pamphlet attempts to answer some of the most frequently asked questions about the Cold Weather Rule relating to the responsibility of both the utility and the customer. Please refer to the last page of this pamphlet for information on how to contact the Commission should you need further information or wish to file a complaint.

## What Does The Cold Weather Rule Mean To You?

1. Prohibits disconnection of heat-related service when the temperature is forecasted to drop below **32** degrees.
2. Allows you to budget your payments over 12 months.
3. Allows you to extend payment of pre-existing arrears beyond 12 months.
4. Does not require a deposit if payment agreement is kept.
5. Requires that you be notified by mail, with one notification attempt in person, before your service is shut off.
6. **Allows you to register with the utility if:**
  - a. **sixty-five (65) years of age or older;**
  - b. **disabled to the extent that you have filed with the utility a medical form submitted by a medical physician attesting that your household must have natural gas or electric utility service provided in the home to maintain life or health; or**
  - c. **if you have obtained a formal award letter issued from the federal government of disability benefits.**
7. **Prohibits disconnection of registered low-income elderly or disabled customers who make a minimum payment.**
8. Requires that you be notified of possible financial help in paying your bill.
9. Allows reconnection of your service for less than the full amount owed.

**NOTE: The bolded items are new to the Cold Weather Rule.**

## Questions and Answers Regarding The Cold Weather Rule

- Q.** What is the period of time covered by this rule?
- A.** November 1 through March 31.
- Q.** What must I do to keep service on if I cannot pay the full bill?
- A.** You must:
- Contact the utility company.
  - State you are unable to pay in full.
  - Provide income information either by month or annual income.
  - Make a minimum payment.
  - Enter into a payment agreement.
- Q.** Do I have to pay a deposit?
- A.** No, as long as you keep your payment agreement.
- Q.** What must I pay if I cannot pay my full bill?
- A.** First the utility must offer you a 12-month budget plan with an initial payment that cannot exceed twelve percent (12%) of the total amount due under the budget plan.
- Q.** What if I can't afford the payments under a 12-month budget plan because I already owe a past due balance?
- A.** If you already have a past due balance, you may arrange to pay it over a period longer than 12 months.
- Q.** What if I don't need 12 months to pay?
- A.** You may make arrangements to pay your past due amount, plus your current bills, in less than 12 months.
- Q.** If I break my Cold Weather Rule payment agreement, can the utility require the full amount I owe?
- A.** No. If you break your payment agreement, the utility will require an initial payment of up to eighty percent (80%) of your total balance.

- Q.** What if I had a Cold Weather Rule payment agreement before, for example last year, and didn't keep it?
- A.** If you did not keep your Cold Weather Rule payment agreement before and were disconnected, you may be required to pay 80% of the total of the past due amount. You will need to contact your utility company and ask for an agreement to pay something less than the full delinquent amount.
- Q.** Can the utility shut off my service if the temperature is below 32 degrees?
- A.** No. The utility cannot shut off your service on a day when the National Weather Service has issued a local forecast between 6:00 a.m. and 9:00 a.m., for the following 24 hours, predicting the temperature will drop below 32 degrees.
- Q.** Can the utility shut off my service on a Friday or a day before a holiday?
- A.** It's possible. However, the utility cannot shut off your service on any day when: (1) utility employees will not be available to reconnect your service on the following day or days (weekends) or holidays and (2) the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m., predicts the temperature will drop below 32 degrees.
- Q.** If the utility is unable to disconnect my service on the day it is scheduled because it is too cold, can the utility disconnect my service the day after if the forecast does not predict it will drop below 32 degrees?
- A.** Yes, it can. The utility is not required to go through the notice process twice if the weather permits and it is within 11 business days after the date stated on the notice. Disconnect notices will state that your service is due to be disconnected on or after a certain date. If the weather does not permit a disconnect on the scheduled date, the utility may reschedule the disconnect. Don't take any chances. Call the utility any time a bill cannot be paid on time and make payment arrangements.

- Q.** What if my service is already disconnected, is the utility required to reconnect my service if the temperature is forecasted to drop below 32 degrees?
- A.** No. You should contact the company and make payment arrangements under the Cold Weather Rule for service to be reconnected.
- Q.** What is a registered elderly or disabled customer?
- A.** A registered elderly or disabled customer means a customer's household where at least one member of the household has filed with the utility a form approved by the utility attesting to the fact that s/he:
1. is sixty-five (65) years old or older;
  2. is disabled to the extent that s/he has filed with the utility a medical form submitted by a medical physician attesting that such customer's household must have natural gas or electric utility service provided in the home to maintain life or health; or
  3. has a formal award letter issued from the federal government of disability benefits. In order to retain his/her status as a registered elderly or disabled customer, each such customer must renew his/her registration with the utility annually. Such registration should take place by October 1<sup>st</sup> of each year following his/her initial registration.
- Q.** Who is considered a **low-income** registered elderly or disabled customer?
- A.** Low-income registered elderly or disabled customer means a customer registered under the provision of section (1)(C) of this Rule whose household income is less than 150% of the federal poverty guidelines, and who has a signed affidavit attesting to that fact on file with the utility. The utility may periodically audit the incomes of low-income registered elderly or disabled customers. If, as a result of an audit, a registered low-income elderly or disabled customer is found to have materially misrepresented his/her income at the time the affidavit was signed, that customer's service may be discontinued per the provisions of the Cold Weather Rule.

**Q.** If I've never had a payment agreement under the Cold Weather Rule or defaulted on a previous cold weather payment agreement, what should I expect my initial payment to be?

**A.** For a customer who has never had or has not defaulted on a payment plan under the Cold Weather Rule, the initial payment shall be no more than twelve percent (12%) of the twelve (12) month budget bill amount which is designed to cover the total of all pre-existing arrears, current bills and the utility's estimate of the ensuing bills, unless the utility and the customer agree to a different amount.

**Q.** What type of notice must I be given if a utility is going to shut off my service?

**A.** The utility must:

- Mail you a notice 10 days before the date it intends to shut off your service.
- Attempt to contact you within 96 hours before the shut off (this may be a second written notice, a doorhanger, or two attempts to contact you by phone).
- Attempt to contact you right before the shut off.
- Leave notice at your home when your service is shut off.

**Q.** Is the utility required to tell me how to avoid the shut off?

**A.** Yes. The notices given before shut off must tell you how the payment you must make is calculated and that you may apply for financial assistance from the Missouri Family Support Division. The utility must also give you a list of other organizations you may be able to get assistance from in paying your bill if these organizations have told the utility they provide this type of assistance.

**Q.** I am a registered low-income elderly or low-income disabled customer under a Cold Weather Rule payment plan or agreement and have made my initial payment as required. What is the minimum amount I must pay to keep my services from being disconnected during the cold weather period?

**A.** You must make consistent payments during the cold weather period that are at a minimum of 50% of:

- i. the actual billed usage for the month, or
- ii. the levelized or budget bill amount agreed to in your cold weather agreement.

**NOTE:** The utility may recover unpaid amounts from those winter months by adjusting the customer's Cold Weather Rule payment installments after March 31.

**Q.** What are the advantages of being a registered elderly or disabled customer?

**A.** The customer receives additional notifications during the November 1-March 31 Cold Weather Rule period prior to discontinuance of service.

**Q.** What if I receive energy assistance?

**A.** If the utility receives notice that you will receive a grant equal to the amount of any payment required, you will not be required to make an additional payment for that same period.

**Q.** What if I have tampered with my meter or received stolen utility service?

**A.** The utility is not required to reconnect your service under the Cold Weather Rule if you have received the benefit of stolen electric or gas service. You may also be prosecuted for theft and it can be unsafe to reconnect.

- Q.** What if I move to another residence within the utility's service area and I have not paid in full the amounts owed per our payment agreement to date? Will the utility change my payment agreement?
- A.** Whenever a customer with a Cold Weather Rule payment agreement moves to another residence within the utility's service area, the utility shall permit the customer to receive service if the customer pays in full: 1) the amounts that should have been paid pursuant to the agreement up to the date service is requested; 2) amounts not included in a payment agreement that have become past due.

The utility cannot make any other change to the terms of service because of the change in the customer's residence, except for an upward or downward adjustment to a payment that's necessary to address any expected changes in usage between the old and new residence.

### **LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

LIHEAP is a federally-funded program to help low-income households meet their home heating and/or cooling needs. Applications are accepted in Community Action Agency offices throughout Missouri starting in October. Funds are limited. When applying for LIHEAP funds, you may need the following items:

- Recent copies of your utility bills.
- A recent payroll stub or other proof that shows your current gross income.
- Documentation showing income from Social Security, Unemployment Insurance, Pension Funds, Disability, etc.
- Final Utility Termination Notice (if received).
- Proof of present address (e.g. rent receipt, lease or deed, property tax bill).
- Proof of total members living in your household.
- Proof of U.S. citizenship or permanent residence.

## **COMPLAINTS**

If you have a complaint about a bill or service, you should first try to solve the problem with the utility company involved. If that fails, you have the right to file an informal complaint with the PSC. Please call the PSC's hotline at:

**1-800-392-4211 (voice) or  
Relay Missouri at 711**

You may send a letter to the following mailing address:

Missouri Public Service Commission  
Consumer Services Department  
P. O. Box 360  
Jefferson City, MO 65102

This pamphlet is intended for information purposes only. Individuals having specific legal questions may refer to or consult their own attorney or the Office of Public Counsel.